IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

WRIT PETITION NO. 2261 OF 2004

M/s.N.D.Metal Industries Ltd. Petitioners

vs.

1. Union of India & ors Respondents

Mr.S.A. Diwan with Mr.J. Lewis Law for the petitioners.

Mr.B.A.Desai, Additional Solicitor General with Mr.Manoj Sanklecha for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 20th September 2004

P.C.

Heard.

2. In the reply affidavit filed by the respondents through one Shri Hardeep Singh, the Assistant Commissioner of Customs, Group-VII, it is stated that the refund application made by the petitioners shall be disposed of by the Assistant Commissioner of Customs, Group-VII within eight weeks.

3. In the light of the aforesaid statement, the learned counsel for the petitioners is not desirous of prosecuting the writ petition and he submits that the Assistant Commissioner of Customs, Group-VII be directed

to pass a reasoned order after hearing the petitioners on the refund application made by the petitioners.

4. We, accordingly, dispose of the writ petition by the following order:

(i) Writ Petition is allowed to be withdrawn.

(ii) The Assistant Commissioner of Customs, Group-VII shall give hearing to the petitioners and dispose of the petitioners refund application for the amount of Rs.13,87,105/- within eight weeks from the date of the receipt of the copy of this order.

(iii) All contentions raised by the petitioners are kept open to be agitated before the Assistant Commissioner of Customs, Group-VII in support of its refund application.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)